



CITY OF MORGAN HILL

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PLANNING COMMISSION MEETING

REGULAR MEETING

FEBRUARY 13, 2001

PRESENT: Lyle, McMahon, Mueller, Pinion, Ridner, Sullivan

ABSENT: Kennett

LATE: None

STAFF: Planning Manager (PM) Rowe, Associate Planner (AP) Linder, Senior Engineer (SE) Creer and Minutes Clerk Johnson.

REGULAR MEETING

Vice-Chair Ridner called the meeting to order at 7:03 p.m.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Vice-Chair Ridner opened the public hearing.

There being none present who wished to address the Commission, the public hearing was closed.

MINUTES:

**JANUARY 9, COMMISSIONERS LYLE/MUELLER MOTIONED TO APPROVE THE 2001
JANUARY 9, 2001 MINUTES WITH THE FOLLOWING CORRECTIONS:**

Page 2, paragraph 2: Phil Rowe: ~~committee~~ project

Page 4, last paragraph: ~~minimum scoring~~ a score high enough to possibly justify being awarded allotments

Page 8, paragraph 7: ~~north~~ west

Page 9, delete the last sentence

THE MOTION PASSED ON A VOTE OF 6-0, WITH KENNETT ABSENT.

**JANUARY 16,
2001**

COMMISSIONERS SULLIVAN/MUELLER MOTIONED TO APPROVE THE JANUARY 16, 2001 MINUTES WITH THE FOLLOWING CORRECTIONS:

Page 2, paragraph 3:Mello-Roos funding “would be higher than the August-adopted level 2 fees. He also agreed that the level 2 fees must be readjusted/readopted annually, whereas the Mello-Roos fees do not.

Page 3, paragraph 6: ~~view~~ review the whole project area for

Page 8, paragraph 3: ~~Lyle~~ Mueller

Page 9, first paragraph (partial): ~~concern with distances within one mile of the project~~ that the improvement is beyond the 1-mile distance required by this criteria.

Page 9, paragraph 11: ~~at the~~ of

THE MOTION PASSED ON A VOTE OF 6-0, WITH KENNETT ABSENT.

**JANUARY 30,
2001**

COMMISSIONERS PINION/MUELLER MOTIONED TO APPROVE THE JANUARY 30, 2001 MINUTES WITH THE FOLLOWING CORRECTIONS:

Page 4, paragraph 5:

Page 5, paragraph 3: Commissioner Pinion stated there had been much talk about relocation of medical facilities for the City, asking if there was consideration of relocation of the college facilities to another property other than this one? He specifically asked if other sites in Morgan Hill had been looked at? Dr. Edrington replied, “No.”

Page 6, fifth line: ~~Three~~ Two

Page 6, paragraph 9: ~~policies~~ practices

Page 11, “Other business”: **BY CONSENSUS, THE COMMISSIONERS AGREED THAT A 3-MINUTE TIME LIMIT FOR SPEAKERS WOULD BE REASONABLE. IT WAS FURTHER AGREED THAT, DUE TO THE LACK OF INFORMATION AT PRESENT, A WORKSHOP WOULD NOT BE FEASIBLE AND CONSEQUENTLY, THE MEETING WAS SET FOR 7:00 P.M. ON FEBRUARY 13, 2001.**

THE MOTION PASSED ON A VOTE OF 6-0, WITH KENNETT ABSENT.

OTHER BUSINESS:

**1. ADJUSTMENT
OF RDCS POINT
RECOMMENDA-
TIONS**

Staff was asked to report on the items which they had been directed to revisit during the hearing(s) for potential awards for allocations. Specific global issues were:

Schools, (B 2 i): Properties must be in specific areas to get a whole point, with at least 50% of the project being within the designated area..

Open Space/Parks: if a project is located contiguous to a private park, in the absence of a letter from a Home Owner’s Association (HOA), no points were awarded.

Orderly and Contiguous (to City boundaries): If a property is outside the urban growth area but in the urban designation, past practice was indicated on page five of the staff report.

Lot Layout and Orientation: Some confusion had resulted in the explanation of deep/narrow

lots. Staff has restated criteria (B 1 f) that duet units may have 40-ft.lots. Staff also discussed the placement (opposite directions) of building on such lots. Coupled with Lot layout, B2a (Location) was discussed in conjunction with Open Space.

Natural and Environmental (B1e): Scoring adjustments are consistent with last year, the emphasis being on natural stands versus synthetic placement of trees.

Noting mathematical errors in the schools area for two projects, AP Linder announced corrected score of 175 for both MP-00-19 (Hale-Delco) and MP-00-10 (Sunnyside-Sunny Oaks).

Commissioner Sullivan commended Staff on the hard work completed on this issue, noting that it is extremely important to have exact information, as one point can make a tremendous difference to various projects.

Commissioners agreed, with further discussion, as to the importance of having the new committee address the global issues which had caused concern this year. Other issues suggested for future scrutiny were: agricultural; need for specificity by staff; continuation of master plans; correctness of scoring; clarification of schools funding/point awards.

Vice-Chair Ridner asked the pleasure of the Commissioners in discussing the awarding of allocations. He noted that there were a total of 23 allocations on the west side and 58 on the east side. By consensus, the Commissioners pronounced the two projects which had received scores of 176 on the west side would be considered and those on the east side with a score of 180 and above would be considered. Commissioners further discussed those continuing projects, e.g, Coyote Ranch, which had merit but had not received points to put them in contention.

Vice-Chair Ridner opened the public hearing.

Dick Oliver, 275 Saratoga Ave. #105; Santa Clara, representing Mission Ranch, explained there were three areas of concern where points were lacking or had not been awarded: *Schools*, stating that his group had done everything possible to ensure placement of a school, but the School District had not been able to modify their five-year plan. *Units per acre*, he said a reduction in units per acre regarding placement would be a change from the original application. *Agriculture*, he stated he agreed with staff in this category, but if other projects qualify, this one should as well. Mr Oliver also spoke regarding the Coyote Ranch project, saying there is difficulty with getting sufficient points in a continuing project such as this one. He noted in particular the lack of a letter from a HOA stating that because of the lack of substantial build-out, the project had not been turned over to the HOA; consequently, there could be no letter. Mr. Oliver reiterated his concerns in the Schools category which he termed identical to those previously stated. He questioned the fact that in 1994 the project had been given four points for "distance from the City core", but in 1999 had received only one point in that category. Mr. Oliver further spoke on the bus stop requirement which is indicated by both the EIR and VTA, stating that a bus route has not been established, therefore, no definite placement of a bus stop can be determined.

Commissioner Mueller said VTA is dropping routes due to lack of personnel and this issue should be examined by the new committee.

Phil Rowe of Delco Builders, 2552 Stanwell Dr. #203, Concord, said his company has been in business here for 35 years. He said he had asked for the additional points which had been given and he thought the process was fair.

Commissioner Lyle noted that this project had received a previous allocation, but had become delinquent in the process. He requested a status report from the developer.

Mr. Rowe responded that the project was behind schedule, but that was due to “fine tuning” of certain areas. He said he has been working with staff following the acquisition and combination of the Sheng property. Mr. Rowe indicated he will submit a tentative map in May or June with a potential start date of September. He noted he has been diligent in trying to resolve the environmental issues, but plans to definitely pull permits in September.

Scott Schilling, 16060 Caputo Dr.#160, represented the Central Park Development. He addressed the issue of open space, saying the Warmington Development, which has not yet been started, is contiguous to Central Park, and consequently, the HOA is proposed but he can't obtain a letter. He said a letter from the City should have been included in the application which allows a tie-in with the City-owned pathway. Mr. Schilling indicated the pathway would provide for occupancy of a future bike path with access to the skate park.

Mr. Schilling also noted that SunnyOak should receive points in the Orderly and Contiguous category because of the Ag land to the west. AP Linder said this issue had been visited in the past, and the land was not under sufficient production for consideration in the category.

Wayne O'Connell spoke regarding MP 00-24 (Central-Pacific Union Homes, Cerro Verde 3) indicating a desire to restart the project, but expressing a concern in the category of Lot Layout, saying he wanted to build triplexes, but missed the 30-ft. width requirement by one-inch on each lot.

Maureen Upton, 820 E. Dunne Ave., addressed the Commission regarding the Diana Shelton property, saying there were three concerns with the scoring: Natural/Environmental, speaking on the natural habitat of the project, which she claimed exhibited many trees and a pond; Orderly and Contiguous, citing the four parcels to the north which contain an orchard and a producing winery, and has been noted as being the highest and best use of that property; the walk/pathway for the schools - Mrs. Upton noted this project is projected to improve the conditions for students by covering the drainage ditch during the construction of the pathway. She noted this is a new project which would improve Diana Ave to Jasmine Ave.

Commissioner Sullivan asked if there is a threshold number of trees for a project to be considered for receiving points in the Natural/Environmental category?

AP Linder said the criteria does not address a specific number of trees, but rather whether the

existing trees are preserved by grouping (stands) which are given points, or if trees are placed in yards through plantings.

Carolyn Hipp, 3160 Crow Canyon Place, San Ramon, who represents Warmington Homes, addressed the Commission, saying the Staff had done much hard work on the process. She thanked both the Commission for their attentiveness and the Staff for the work completed.

There being no others who wished to speak, the public hearing was closed.

COMMISSIONERS PINION/SULLIVAN MOTIONED TO APPROVE THE SCORE RECOMMENDATIONS (AS ADJUSTED) PRESENTED BY STAFF.

Commissioners reiterated the issues they wished to have the new committee give attention to regarding the global issues identified this year. Vice-Chair Ridner stated Measure P is a dynamic document which affects the lives of the residents of Morgan Hill. He commented it is important to continually review the global issues which the Commission identified.

Commissioner Mueller said the list of topics needs to be clearly identified for the new committee, suggesting the list be divided into smaller segments for in-depth study. He commented it is important to “get on the issues right away, as the developers need time to react”.

**2. AWARD AND
DISTRIBUTION
OF FY 2002-03
RDCS BUILDING
ALLOTMENT FOR
OPEN/MARKET
COMPETITION**

Vice-Chair Ridner reiterated to those present of the “cut off” scores, reminding that the Commission had recommended limited speaker times.

Vice-Chair Ridner opened the public hearing.

Rocke Garcia asked for clarification of the threshold scores for discussion.

AP Linder responded to Mr. Garcia’s request.

Scott Schilling told the Commissioners that the Central Park project is on-going, that it had come in second last year and was in third place this year. He asked for consideration of an allocation to continue the project. Mr. Schilling said he would like to start Sunny Oaks, and indicated willingness to be flexible on the number of allocations he might receive. He said he was sure Delco Builders would appreciate and agree to flexibility as well.

Dick Oliver conveyed that if any allocations were available to the disallowance or discontinuance of prior approved projects, it would be appreciated if these were reallocated.

Phil Rowe said his company would appreciate allocations, and was flexible to numbers of allocations to be granted.

Carolyn Hipp, Warmington Homes, said her company is willing to cooperate with any number of allocations granted.

With no other speakers to the item, the public hearing was closed.

Vice-Chair Ridner thanked all the speakers for their spirit of cooperation and willingness to accept staggered numbers of allocations, noting the difficulty of choices available to the Commission. He said the flexibility pledge “gives the Commission something to work with”.

Discussion ensued among the Commissioners regarding prior years’ numbers of allocations, the direction indicated by the City Council, and future years’ allocations. Also discussed was the east/west fraction(s) and the need to continue some of the existing on-going projects which scored close to the cut-off number. The need for distribution of allocations between the east and west sides of the City and the “borrowing” in prior years of the allocation numbers was explained by PM Rowe. He also explained core corrections that had occurred in the past. Micro projects and the elimination of that project category was discussed as well.

Following several recommendations by Commissioners, for fiscal year 2002-03 allocations, it was agreed by all present that a recommendation for allocation(s) split on the west side by Commissioner McMahon be given serious consideration at the February 27, 2001 meeting when final award and distribution of the Measure P building allocations for the open/market competition will occur. Commissioner McMahon’s recommendation: 11 allocated slots to Delco (MP-00-19) and 6 to Sunny Oaks (MP-00-10). As part of the recommendation, it was decided that for year 03-04, 7 slots could be allocated to Delco and 12 to Sunny Oaks.

Concerning the 58 allocations for the East side, Commissioner Mueller indicated concern that there was a need to move Coyote Ranch into the action side, noting the project had received 179 points and is on-going and completion would benefit the City. Agreeing with his statements, the Commission agreed to consider projects on the east side with scores in excess of 179.

Following discussion by all the Commissioners, it was decided that a tentative recommendation, suggested by Vice-Chair Ridner, for the February 27, 2001 meeting for the east-side allocations would be:

	<u>FY 2002-03</u>	<u>FY 2003-04</u>
Warmington	17	12
Mission Ranch	13	6
Central Avenue	10	10
Trovare	4	10
Coyote Ranch	8	10

Dick Oliver said he appreciated the allocation consideration of eight this year, as it would be necessary to install a cul-de-sac. Therefore, having eight houses on the street would be ideal.

Commissioner Mueller cautioned it was important for staff to study plans of the incoming projects for subsequent years, as some of the developers may be in the position of incurring large expenses such as roads, etc.

Commissioner Pinion thought Warmington Homes should be given more consideration for allocations in view of the startup or upfront costs they are accruing. He also indicated concern about some of the projects on the west side.

OLD BUSINESS:

3. ZA-00-05: HALE-GLENROCK/SHEA HOMES A request for an amendment to the precise development plan for a 67-acre parcel located on the south side of Tilton Ave., west of Monterey Rd. in the R-1 12,000/RPD zoning district. The proposed amendment would incorporate additional property in the plan and reconfigure the street and lot layout.

AP Linder informed that the applicant has requested the matter be table, awaiting the recommendations of the General Plan Task Force.

COMMISSIONERS MUELLER/PINION MOTIONED TO TABLE THE MATTER AT THE REQUEST OF THE APPLICANT, PENDING THE RECOMMENDATION AND REPORT OF THE GENERAL PLAN TASK FORCE. THE MOTION PASSED 6 -0, WITH KENNETT ABSENT.

Regarding the General Plan Task Force (GPTF) Report, PM Rowe said there would be a workshop of the group in March. Then it is tentatively expected that public meetings for receiving comments will be held in April and May, following which the report could be sent to the City Council by June.

Commissioner Mueller said that, while there is no help for the time line presented by PM Rowe regarding the GPTF report, he is concerned that an assumption could be made that the earliest a new General Plan could be adopted is July, or it could be August. Should it be August, he said, there would be less than 60 days before new Measure P applications would be due; which, in his opinion, is a very short turn around time.

NEW BUSINESS:

4. ZA-00-16/ANX-00-03: EDMUNDSON-PINN BROS. A request for annexation and rezoning of a 13.58 acre area consisting of four parcels located on the south side of W. Edmundson Ave., west of Piazza Way and east of Sunset Ave. The proposed rezoning for the parcel number 767-21-45 is Multi-Family low, R-2 3500 and the parcels numbered 767-21-13, 14 & 15 are proposed to be rezoned Single-Family Medium, R-1 7,000.

AP Linder gave the staff report, noting a negative declaration had been approved by the City Council as part of the urban service boundary adjustment. These same four parcels, she said, had been seen by LAFCO in June, 1999. Now, AP Linder continued, the applicant wants to annex the property to the City.

Commissioners discussed the surrounding area and the zoning of each of the parcels in the area. Transition land use size was discussed as well.

Vice-Chair Ridner opened the public hearing.

Vince Burgos, Danville, spoke to the Commissioners regarding the neighboring lot sizes, as well as the easement which, he said, creates a greater depth to the lots. He explained that with the R1, 7,000 square foot size, transition is provided to the west and that consideration of 9,000 square foot transition to the larger parcels on the west would not be orderly. Responding to a question regarding the easement, Mr. Burgos responded there is a 30' - 40' utility easement for transmission lines there.

The public hearing was closed.

Commissioners discussed the density proposed, noting that PM Rowe advised that either 7-or-9,000 square foot is consistent with the general plan, while agreeing that 9,000 would be better for transition purposes.

COMMISSIONERS MUELLER/McMAHON MOTIONED TO APPROVE THE ANNEXATION RECOMMENDATION TO THE CITY COUNCIL WITH AN RPD OVERLAY PERMITTING SINGLE FAMILY DWELLINGS ON 9,000 SQUARE FOOT LOTS. THE MOTION PASSED 6 - 0, WITH KENNETT ABSENT.

ANNOUNCEMENTS: Commissioner Mueller announced that a recent meeting of the South County Joint

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PM Rowe reminded the Commissioners that reservations must be made by those planning to attend the League of Cities sponsored Planners Institute.

PM Rowe reported the City Council had a lengthy public hearing regarding the proposed rezone of the St. Louise Hospital site to the request of the San Jose Christian College, which had purchased the property. He noted the item was continued two weeks until February 21, 2001 at the request of the applicant, who wished to respond to issues raised during the hearing.

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Commissioner Sullivan complimented AP Linder on her ability to recall details of the various applications in the Measure P process. She and the other Commissioners thanked Staff for the hard work and long hours of commitment during the process. PM Rowe commented it was good to have workers such as those involved in this year's Measure P allocations on staff.

ADJOURNMENT There being no further business, Vice-Chair Ridner adjourned the meeting at 10:17 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON

Minutes Clerk

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